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IN THE DISTRICT COURT OF THE UNITED STATES

2008 FEB 25 A 10:09
FOR THE MIDDLE DISTRICT OF ALABAMA

DEBRA P. HACKETT CLERK
EASTERN DISTRICT COURT DIVISION
MIDDLE DISTRICT ALA

JOHNNY HUGHLEY, # 9843,)
petitioner,)
v.)
WILLIE R. COLLINS, WARDEN,)
Respondent.)

Civil Action No. 3:08 cv 102

PETITIONER'S NOTICE TO INVOKE

RULE 23(a) OF THE RULES OF

APPELLATE PROCEDURE

Comes now the petitioner, Johnny Hughley, in the above styled cause of action, pro-se, pursuant to the provision of Rule 23(a), of The Rules of Appellate procedures, and hereby states the following:

1. That Rule 23(a), of The Rules of Appellate procedures states, in part, that:

" pending review of a decision in a habeas corpus proceeding commenced before a

Court, justice, or judge of the United States
For the release of a prisoner, the person
having custody of the prisoner must not
transfer custody to another unless a transfer
is directed in accordance with this rule."

Dated the 22nd day of February, 2008.

Respectfully submitted,

Johnny Hugley

Johnny Hugley

Montgomery City Jail

P.O. Drawer 159

Montgomery, AL 36101

CERTIFICATE OF SERVICE

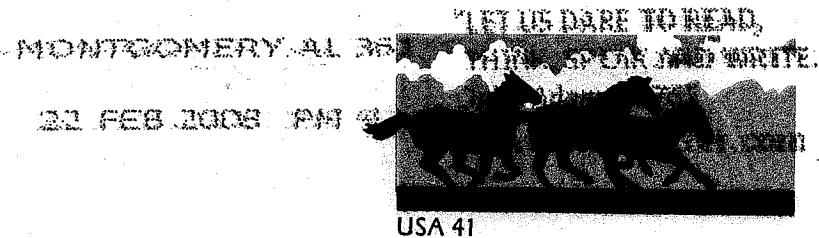
I hereby certify that I did serve a copy of the foregoing upon the opposing parties, via U.S. postal mail, and properly addressed below:

J.B. Parrine
Assistant U.S. Attorney
P.O. Box 197
Montgomery, AL 36101

United States Marshals Service
One Church Street
Montgomery, AL 36104

Johnny Hugley
Johnny Hugley

Johnny Hushley
Montgomery City Jail
P.O. Drawer 159
Montgomery, AL 36101



**INMATE MAIL
MONTGOMERY CITY JAIL
OFFICE
United S
P.O. BDX
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OFFICE OF THE Clerk
United States District Court
P.O. BOX 711
Montgomery, AL 36101-0711

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